



Date: September 1, 2006

To: Examiner Catherine Joyce

Fax: 571-273-3321

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From: Russell T. Boggs, Ph.D.

Phone: 858-350-2309

Return Fax: 858-350-2399

Original: ☐ To follow via mail ☐ To follow via courier ☐ To follow via email ☒ Original will not followFax Contains: 8 pages (including this sheet). If incomplete, call Vicki Andrews at 858-350-2334.**Message:**

Applicant: Subhra Chakrabarti, et al.

Serial No. 10/662,044

Entitled: Antibodies that Recognize Hyperproliferative Cells and Methods of Making and Using Same

Filed: September 11, 2003

Declaration Regarding Availability of Biological Culture Deposit

Ref: 31302-702.201

Return Original to: Vicki Andrews

Location: SD-2

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Document6 (645)

ATCC

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.2
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10**

To: (Name and Address of Depositor or Attorney)

SHANTHA WEST, Inc.
Attn: Mark C. Glasco
1721 Sorrento Valley Road
Suite 10
San Diego, CA 92121

Deposited on Behalf of: SHANTHA WEST, Inc.

Identification Reference by Depositor:

Human hybridoma RM2
Human hybridoma RM4

Patent Deposit Designation

PTA-5411
PTA-5412

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received August 22, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available to patent office authorities if the Budapest Treaty certifies one's right to receive; or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested September 4, 2003. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris, Patent Specialist, ATCC Patent Depository

Date: September 29, 2003

cc: John Wetherell

Available Copy

ATCC

Patent Depository
 10801 University Boulevard
 Manassas, VA 20108-2709
 Tel: (703) 365-7721
 Fax: (703) 365-2745

FAX

To:	Mark Clary
Company:	AMERICAN WEST, INC.
Pat. No.:	8583502399
# of Pages:	2 (including Cover Sheet)
From:	Marie Harris
E-mail:	marie@atcc.org
Date:	September 19, 2006
Reference:	Lab copy of PCR Results Patent Deposit PTA 5411 (RM2) and PTA 5412 (RM4)

COMMENTS:

Attached is the lab copy of the results of PCR test on your material submitted for patent deposit purposes on August 22, 2003 for your information only.

Thank you.



Marie Harris

1st Available Copy

This document contains information that is confidential and not to be distributed outside of the ATCC laboratory. It is the property of the ATCC and is not to be used for any other purpose. If you have any questions or concerns, please contact the ATCC at (703) 365-7721. This document is not to be used for any other purpose. If you have any questions or concerns, please contact the ATCC at (703) 365-7721.

ATCC

Mycoplasma Detection

PCR REPORT for

Customer Name: Farah Han

Order Number: in-house

	Customer Designation	ATCC Code	Amplified Product Detected ^a
A	NONE	Positive Control	yes
B	NONE	Negative Control	no
1	PTA-5411	C2	no
2	PTA-5412	C3	no
3			
4			

^a This test is performed pursuant to licensing arrangements with Roche Molecular Systems, Ltd. and Applied Biosystems. A positive report indicates detection of amplified DNA in the 200-400bp size range. A negative report indicates that there was no amplified DNA detected in the 200-400bp size range. Some samples are reported as needing further study to confirm initial results. Final results will be reported the following week.

DNA harvested from the above listed samples has been subjected to amplification by PCR using primers provided in the ATCC's Mycoplasma Detection Kit. These primers readily produce DNA fragments of characteristic size when the primers are allowed to amplify DNA from cultures containing *Mycoplasma agalactiae*, *M. fermentans*, *M. hominis*, *M. hyarum*, *M. pneumoniae*, *M. genitalium*, *M. salivarium*, and *Acholeplasma laidlawii* as well as many other species of Mollicutes. While the primers exhibit excellent specificity, production of DNA amplicons in the 200-400bp size range from other prokaryotes such as certain strains of *Escherichia coli* and *Campylobacter* has been observed. The primers may also amplify mycoplasma-specific DNA fragments from mycoplasmas that have been inactivated by treatment with solvent, or other technique that leaves the mycoplasma DNA intact.

COMMENTS

Gallop Sarago

Biologist

9/12/03

Signature

Title

Date

Reviewed by: Debby Polayco

TOTAL P.02

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